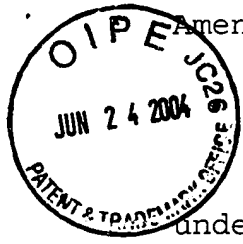


U.S. Patent Application No. 09/954,494


Amendment F AND REQUEST FOR A TELEPHONE INTERVIEW

Attorney Docket: 3863.015



The Examiner is respectfully requested to contact the undersigned at the indicated telephone number to arrange a telephone interview.

Respectfully submitted,



Evelyn A. Defillo
Registration No. 45,630

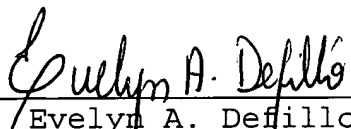
Pendorf & Cutliff
5111 Memorial Highway
Tampa, FL 33634-7356
(813) 886-6085

Date: June 21, 2004

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT F for U.S. Application No. 09/954,494 filed September 17, 2001, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 21, 2004.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Evelyn A. Defillo



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/954,494
Filing Date	September 17, 2001
First Named Inventor	James CASTILLO
Art Unit	1614
Examiner Name	Vickie KIM
Attorney Docket Number	3863.015

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☒ Other Amendment E filed May 17, 2004

b. ☒ Enclosed

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for Extension of Time

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-0877
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 779.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Evelyn A. Defillo	Registration No. (Attorney / Agent)	45,630
Signature	<i>Evelyn A. Defillo</i>	Date	June 21, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Evelyn A. Defillo	Date	June 21, 2004
Signature	<i>Evelyn A. Defillo</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James CASTILLO

Confirmation No. 8042

Application No.: 09/954,494

Examiner: Kim, Vickie

Filed: September 17, 2001

Group Art Unit: 1614

For: ALCOHOL BASED TOPICAL ANESTHETIC FORMULATION AND METHOD

Attorney Docket: 3863.015

Customer number: 000041288

AMENDMENT F AND REQUEST FOR A TELEPHONE INTERVIEW

Mail Stop RCE

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the Final Office Action dated December 22, 2003, the period for response being extended to June 22, 2004 by a Petition for a Three-Month Extension of Time under 37 C.F.R. §1.136(a) filed herewith, Applicants respectfully submit the following amendments and remarks:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

06/25/2004 JBALINAN 00000115 09954494

03 FC:2201

129.00 OP